In the Supreme Court of the United States

Supreme Court, U. S.
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MICHAEL RODAK, JR., CLERK

OCTOBER TERM, 1971.

No. 71-934.

JOHN DUBELKO,

Petitioner,

vs.

JEAN DUBELKO,

Respondent.

ON PETITION FOR WRIT OF CERTIORARI
TO THE SUPREME COURT OF OHIO.

REPLY TO RESPONDENT'S MOTION TO DISMISS.

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A cursory reading of Respondent's Motion to Dismiss Petitioner's Petition for Writ of Certiorari would reveal readily that Respondent does not deny the forgery perpetrated by her former counsel of the order of the trial judge in violation of the Ohio Code, R.C. 2913.06, "Altering Public Documents." Respondent treats and considers it one of the eleven errors, when in fact and law it is a separate, distinct court order.

This forged personal paragraph being No. 11 in the court order was argued in the Court of Appeals of Cuyahoga County, Ohio, in the presence of recently retained counsel and the Presiding Judge inquired if present counsel had any part of the forgery? His answer was "No, Your Honor," which is true, but the Court erred by merely con-

sidering the forgery an error, instead of a CRIME, and it is rather difficult to comprehend how the Court could condone the forgery.

Further, by Respondent's statement of facts she was given custody of her six minor children despite the fact that the Trial Judge heard her admit she deserted her husband and their six minor children, and lived in an apartment for eight consecutive months. In all probability, the Trial Judge did not consider it an Abuse of Discretion by granting custody.

Respondent further alleges that Petitioner by filing an appeal in all the State Courts "did have due process of law and was never deprived of due process of law." However, Petitioner reiterates with emphasis, condoning, approval, affirming the forgery of a court order does not constitute due process of law.

"Due Process of Law" as used in the Constitution, cannot mean less than a prosecution or suit instituted and conducted according to prescribed forms and solemnities for ascertaining guilt, and determining the title to property.

Black's Law Dictionary, page 401—Second Edition.

The guilt of the forgery of the order of the Trial Judge up to this moment has not been denied, nor any doubt of its authenticity. However, due process of law has been ignored by not applying the principle in a justifiable manner.

Numerous cases supporting the doctrine—omitted.

Consequently, in the interest of justice; we request the Motion of Respondent to Dismiss the Petitioner's Petition for a Writ of Certiorari be overruled.

Submitted respectfully,

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